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8	BEFORE THE BOARD OF REGISTERED NURSING	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	To do Diffusion Calca Accessarian Accessar	L Com No. amma - 110
11	In the Matter of the Accusation Against:	Case No. 2009-112
12	MARY RHEDAH INGRAM 24 Skylark Dr. #22	OAH No.
13	Larkspur, CA 94939	ACCUSATION
14	Registered Nurse License No. 653299	
15	Respondent.	
16	Complainant alleges:	
17	<u>PARTIES</u>	
18	1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely	
19	in her official capacity as the Executive Officer of the Board of Registered Nursing, Department	
20	of Consumer Affairs.	
21	2. On or about February 24, 2005, the Board of Registered Nursing issued	
22	Registered Nurse License Number 653299 to Mary Rhedah Ingram (Respondent). The	
23	Registered Nurse License was in full force and effect at all times relevant to the charges brought	
24	herein and will expire on June 30, 2010, unless renewed.	
25	<u>JURISDICTION</u>	
26	3. This Accusation is brought before the Board of Registered Nursing	
27	(Board), Department of Consumer Affairs, under the authority of the following laws. All section	
28	references are to the Business and Professions Code unless otherwise indicated.	

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.
 - 7. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

8. California Code of Regulations, title 16, section 1443, states:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

9. California Code of Regulations, title 16, section **1443.5** states:

A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

- (1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.
- (2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.
- (3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.
- (4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.
- (5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.
- (6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

COSTS

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1. The identity of patient H.W. withheld to protect patient privacy.

FACTUAL SUMMARY

- 11. On or about January 17-18, 2005, Respondent was employed as a registered nurse at Doctors Medical Center, a hospital in San Pablo, California.
- 12. On or about January 18, 2005, at or near 00:30 hours, while she was on duty as a registered nurse at Doctors Medical Center, Respondent held patient H.W.¹ down in her bed and, despite the fact that patient H.W. objected vehemently and clearly to the procedure, inserted a nasogastric tube into patient H.W.'s nose and down patient H.W.'s throat, into her stomach. Respondent did not lubricate the nasogastric tube before the procedure.
- 13. At or near the time of the insertion of the nasogastric tube, Respondent placed patient H.W. in four-point restraints. Respondent then covered patient H.W.'s head with a towel or a pillow case and left the room, leaving patient H.W. without a call button or any other means to summon assistance, for a substantial period of time. During this period of time, patient H.W. repeatedly coughed blood into her oxygen mask and experienced difficulty breathing, but was unable to summon assistance.
- 14. During and after the insertion of the nasogastric tube, Respondent was verbally abusive to patient H.W., informing her that she was a "lazy little rich bitch" and that she was "spoiled." Later in her shift, Respondent informed patient H that she "smelled," and was "disgusting."
- 15. At or near 02:00 hours, Respondent performed an assessment of patient H.W. At that time, patient H.W. again stated that she did not consent to the use of the nasogastric tube. Respondent refused to remove it.
- 16. At or near 04:00 hours, patient H.W. demanded that she be allowed to leave the hospital against medical advice. Respondent refused to assist patient H.W. by removing the nasogastric tube and informed patient H.W. that she would have to remove it herself. Patient H.W. did so. Patient H.W. was then allowed to leave the hospital.

FIRST CAUSE FOR DISCIPLINE 1 2 (Unprofessional Conduct) Respondent is subject to disciplinary action under section 2761(a) in that 3 17. 4 she acted unprofessionally, as set forth above in paragraphs 11 through 16. 5 **SECOND CAUSE FOR DISCIPLINE** 6 (Gross Negligence/Incompetence) 18. Respondent is subject to disciplinary action under section 2761(a)(1) of 7 8 the Code in that she acted with gross negligence and/or incompetence, as set forth above in 9 paragraphs 11 through 16. 10 **PRAYER** WHEREFORE, Complainant requests that a hearing be held on the matters herein 11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision: 12 13 1. Revoking or suspending Registered Nurse License Number 653299, issued 14 to Mary Rhedah Ingram; 15 2. Ordering Mary Rhedah Ingram to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and 16 Professions Code section 125.3; 17 18 Taking such other and further action as deemed necessary and proper. 3. 19 DATED: 111118 20 21 22 23 **Executive Officer** Board of Registered Nursing Department of Consumer Affairs 24 State of California 25 Complainant 26

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